



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 15, 2016

BY ECF and BY HAND

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square, Chambers 2102
New York, New York 10007

**Re: United States v. Wey,
15 Cr. 611 (AJN)**

Dear Judge Nathan:

The Government respectfully writes to update the Court on the status of this matter and to request additional time in which to seek a superseding indictment.

At the conference before the Court on December 14, 2015, the Court set a deadline of February 15, 2016 for the return of any superseding indictment. In setting that deadline, the Court expressed the hope that two months would provide sufficient time for the Government to receive and process certain records from foreign jurisdictions that it had sought pursuant to mutual legal assistance treaties ("MLATs"). As the Government had explained, its belief was that the materials requested could support additional charges in this matter.

Following the December 14 conference, the undersigned communicated the Court's February 15, 2016 deadline to both the U.S. Department of Justice's Office of International Affairs ("OIA") and the Federal Bureau of Investigation's Legal Attaché. We understand that OIA has been working diligently to press foreign authorities for the materials requested. Unfortunately, we continue to await receipt of the requested documents.

Because we believe that the requested documents will inform our decision to seek a superseding indictment, we respectfully request an additional two months in which to seek a superseding indictment. *Cf.* 18 U.S.C. § 3292 (provided for tolling of statute of limitations while the Government awaits production of documents pursuant to MLAT). Given that trial in this matter is not scheduled to begin until March 6, 2017, the Government submits that the requested extension will not unduly prejudice defendant Benjamin Wey, who would still have nearly a year prior to trial to consider and prepare against the new and/or amended charges. (Earlier today, the

